

REMARKS

Applicant has carefully studied the non-final Examiner's Office Action mailed November 07, 2005. The amendments appearing above and these explanatory remarks are believed to be fully responsive to the Office Action.

Applicant responds to the outstanding Office Action by headings that correspond to the headings employed by the Office, to ensure full response on the merits to each finding of the Office.

Claims 12-15 remain in this application. Claims 1-11 are herein canceled. Claims 12-15 have been added. Support for the limitations as found in claims 12-15 can be found throughout the specification including at paragraph 0013. No new matter has been added by the amendments.

Election/Restriction

1. The withdrawal of claims 6-11 from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention is acknowledged.

Claim Rejections – 35 USC § 112, ¶2

2. Claims 1 and 4 were rejected under 35 USC §112, paragraph 2, as allegedly indefinite for failing to particularly point out and distinctly claimed the subject matter which applicant regards as his invention. This rejection is rendered moot by applicant's cancellation of claims 1 and 4. The rejection of claims 1 and 4 under 35 USC §112, paragraph 2, was given consideration in the drafting of new claims 12-15.

Claim Rejections – 35 USC § 112, ¶1

3. Claims 1-5 were rejected under 35 USC §112, paragraph 1, as allegedly failing to comply with the written description requirement. The Office asserts that the claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one that the inventor(s), at the time the application was filed, had possession of the claimed invention. The rejection was a written description rejection.

4. Claims 1-5 were rejected under 35 USC §112, paragraph 1, because, allegedly, the specification, while being enabling for modulation of apoptosis through inhibition of expression of E2F1 in cells *in vitro*, does not reasonably provide enablement for modulation of apoptosis by direct or indirect regulation of expression of E2F1 using any agent *in vivo*. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to use the invention commensurate in scope with these claim.

The rejection of claims 1-5 under 35 USC §112, paragraph 1 is rendered moot by applicant's cancellation of these claims. The rejection of claims 1-5 under 35 USC §112, paragraph 1, and the associated explanatory remarks provided by the Office, was given consideration in the drafting of new claims 12-15.

Claim Rejections – 35 USC § 102

5. Claims 1-4 stand rejected under 35 USC 102(b) as allegedly being anticipated by Calabretta et al. (WO 95/24223).
6. Claims 1-4 stand rejected under 35 USC 102(b) as allegedly being anticipated by Grassi et al.
7. Claims 1-4 stand rejected under 35 USC 102(b) as allegedly being anticipated by Adachi et al.

The rejection of claims 1-4 by either Calabretta et al., Grassi et al. or Adachi et al. is rendered moot by applicant's cancellation of claims 1-4. Furthermore, the aforementioned references do not address the limitation of currently pending claims 12-15. For instance, the references do not teach the step of introducing flavipiridol to the target cell population, nor do they address increasing the expression of E2F1.

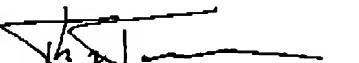
Conclusion

Entry of a Notice of Allowance is solicited. If the Office is not fully persuaded as to the merits of Applicant's position, or if an Examiner's Amendment would place

the pending claims in condition for allowance, a telephone call to the undersigned at (727) 507-8558 is requested.

Very respectfully,

SMITH & HOPEN

By: 

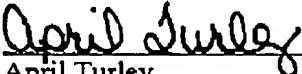
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CERTIFICATE OF FACSIMILE TRANSMISSION
(37 C.F.R.1.8(a))

I HEREBY CERTIFY that this Amendment A, including Amendments to the Claims and Remarks, is being transmitted by facsimile to the United States Patent and Trademark Office, Art Unit 1635, Attn: Tracy Ann Vivlemore, (571) 273-8300, on March 7, 2006.

Date: March 7, 2006


April Turley